



State of South Carolina

County of _____

Guidelines for Public Sales of Vehicle/Property

Guidelines for Businesses for Tow/Repair Vehicles Sections 56-5-5620 through 5670 SC Code of Laws as Amended

Ways to obtain vehicles:

1. Law Enforcement Officer directs vehicle towed as a result of motor vehicle collision, vehicle breakdown, or after an arrest or other law enforcement action.
2. Owner or person having control over vehicle requests it to be towed or repaired thus creating a contract between the parties.
3. Private property owner requests unlawfully parked vehicle be removed from his/her property.
4. Lienholder requests repossession. (Not addressed herein.)
5. Sales of vehicles towed with a colored tag affixed are sold in accordance with Section 29-15-10.

Any time a vehicle is towed by the towing company without the knowledge of the owner or person in possession of the vehicle, the towing company must notify the municipal police chief or sheriff in the county's unincorporated areas within 1 hour of moving the vehicle or all charges for the tow/storage are forfeited. The law enforcement agency must complete and furnish the towing company with a timed and numbered towed report within a reasonable time. A sign to reflect this notice must be posted in the tow company's shop.

Business must provide a full description of vehicle remaining in possession of business following a towing request from a law enforcement agency. Within 10 days of receiving the description, the law enforcement agency must furnish the name and address of the current owner and record of lienholders along with the make, model, and identification number (or a description of the vehicle) at no cost. For non-titled vehicles, the law enforcement agency must conduct a search, including on the National Crime Information Center, and provide the name of the state in which the vehicle is titled.

Business must notify owner and lienholder(s) by registered or certified mail, return receipt requested, or certified mail with electronic tracking that the vehicle has been taken into custody and charges are due pursuant to Section 29-15-10. Business must publish in newspaper of general circulation in the area where the vehicle was abandoned if owner or lien holder cannot be determined or does not receive the mailed notice of towing and storage charges.

Storage charges may only accrue for a maximum period of 7 business days before notice of the location of the vehicle is sent by registered or certified mail, return receipt requested, or certified mail with electronic tracking to the owner and lienholder of the vehicle. No other storage charges for such time period before the notice is sent. The



notice must be sent within 5 business days of determining the identities of the owners and lienholders and include a description of the vehicle and the amount of daily storage costs that will accrue following the notice. After such notice is sent, storage charges may begin to accrue.

SECTION 16-11-760, SC Code of Laws as Amended

Vehicles parked on private property without permission

A vehicle, as defined in Section 56-5-5630, unlawfully parked on the private property of another without the owner's consent may be towed and stored at the expense of the registered owner or lienholder, subject to the limitations on allowed storage charges set forth in Section 29-15-10. Charges for towing, storing, and preserving the vehicle, and expenses incurred if the owner and lienholder are notified pursuant to Section 29-15-10, constitute a lien against the vehicle, provided that the towing company makes notification to the law enforcement agency pursuant to Section 56-5-2525.

Commercial property must post a notice visible on the borders of the property near each entrance prohibiting parking. Proof of the posting is considered notice conclusive against the person making entry.

If the vehicle is not reclaimed, it must be sold pursuant to Section 29-15-10 by a magistrate in the county in which the vehicle was towed or stored.

SECTION 29-15-10, SC Code of Laws as Amended

Owner/Customer Requested Tow or Repair

When a vehicle is towed or delivered for repair, business has the duty to capture the name, address, and phone number of any owner or lienholder. If a person other than owner is requesting services, business needs information on both people.

If vehicle remains unclaimed for 30 days, business must file a form with the Department of Motor Vehicles (the TR-2 Report of Abandoned, Derelict, or Unclaimed Vehicles or Mobile Homes) within 5 days after the expiration of the 30-day period to report the vehicle as unclaimed. The form may be submitted before the 30-day period has expired (see section 56-19-840).

Notice must be sent within 5 business days of determining the identities of the owners and lienholders. Owner's and lien holder's liability is only 7 business days storage before mailing notice by registered or certified mail, return receipt requested, or certified mail with electronic tracking. Additional storage charges may accrue after the mailing of the letter. Notice must provide a full description of the vehicle, the location where the vehicle is held, all charges (including towing and storage charges) from placing the vehicle in custody, and that failure to exercise the right to reclaim will be considered a waiver of rights in the vehicle and consent to sale at a public auction (see section 56-5-5630).

Once the 30-day notice expires, the business may sell the vehicle at a public auction. The business must file appropriate papers with the magistrates court of the county in which the repairs were done or the vehicle was stored so that a magistrate may conduct the sale.



Before Selling the Vehicle

The business must ensure the following:

1. The appropriate titling facility for the name and address of any owner or lienholder must be applied, such as the Department of Motor Vehicles, a vendor authorized by the DMV to provide real-time access to title and lienholder information, and the Department of Natural Resources.
 - a. If not titled in South Carolina, the appropriate titling may include, but is not limited to, the titling governmental entity in the state in which the vehicle was last titled as provided by a search of the National Motor Vehicle Title Information System (NMVTIS); and a vendor authorized by the state in which the vehicle was last titled to provide real-time access to the most current title and lienholder information.
 - b. If not titled, but the owner's name is known, a search must be conducted through the Secretary of State's Office to determine any lienholders, and the application must be on prescribed forms requested by the appropriate titling facility or the Secretary of State.
 - c. Out-of-state registrations must be made to that state's appropriate titling facility.
 - d. If not titled in this State or does not have a registration from another state, apply to the sheriff or chief of police in the jurisdiction where the vehicle is stored to determine the state where the vehicle is registered.

The Magistrate must ensure the following:

1. The owner and any lienholders have been notified of the pending sale; and
2. The vehicle was advertised for at least 15 days by posting a notice in three public places.

After the sale, the successful bidder must bring to the Magistrate appropriate funds to pay the bidding price. The Magistrate will issue to the business a check for the accrued charges and costs with any surplus going to the owner and/or lien holder. The business must bid at least \$ 1.00. If no other bidders, the business will be awarded the article at no cost. If there is a surplus, the magistrate must notify the owner and lien holder of such by certified return receipt mail, giving 90 days to provide proof of claim.

SECTIONS 56-5-2525 and -5850, SC Code of Laws

Notice to authorities of towing and storing of motor vehicle without person's knowledge; Tagging and removal of unattended vehicle

Vehicles with colored tags affixed by law enforcement are sold under the authority of sections 29-15-10 and 56-5-5635. An abandoned or derelict vehicle (as defined in section 56-5-5810) should be marked with a colored tag as legal notice to the owner or person in possession.

The vehicle can be removed from public or private property or the highway:



- (1) After 48 hours on a highway; or
- (2) After 7 days on public or private property

from the date the tag was placed on the vehicle. The towing company must notify the police department of the municipality where the vehicle is parked or the sheriff of the county where the vehicle was towed, if outside municipal limits, within 1 hour of the time the vehicle is towed (without the owner's knowledge) when the towing was not performed at the direction of the law enforcement agency. Otherwise, the company will not be entitled to any compensation for the towing and storing operations.